



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/743,427      | 12/23/2003  | Stephen Nothnagle    |                     | 7542             |

7590 01/06/2006  
Shlesinger, Fitzsimmons & Shlesinger  
Suite 1323  
183 East Main Street  
Rochester, NY 14604

EXAMINER

DONNELLY, JEROME W

ART UNIT PAPER NUMBER

3764

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                |                                    |  |
|------------------------------|--------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/743,427  | Applicant(s)<br>NOTHNAGLE, STEPHEN |  |
|                              | Examiner<br>Jerome W. Donnelly | Art Unit<br>3764                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected. 1-5 7 and 12-15
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to. 6 and 8-11
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

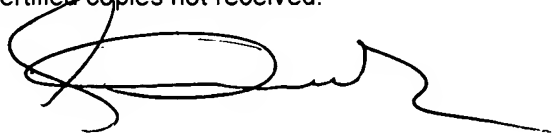
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 3764

Claims 6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant is advised that should claim 14 is be found allowable, claim 12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 12, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz et al.

As broadly claimed elements (18) are considered as sleeves.

In regard to claim 2 sleeve 18 is attached to sleeve (24) through the mating connection between element 25 and 24. The contact between element 18, 24 and 25 would qualify as being connected.

In regard to claim 3 not the orientation of the sleeves (18) of Schwartz et al fig. 3.

In regard to claim 7, the applicant claims are so broad so as to read on the device of fig. 3

The device of fig. 3 reads on a device show three rows.

Art Unit: 3764

In regard to claim 5 the applicant has failed to define the axis which the sleeves are oriented transversely to.

In regard to claim (12) not~~to~~fig. 1).

In regard to claim (13) the apertures of the sleeves (18) are considered as the means for attaching.

In regard to claim (15) elements (18) are considered as the means for supporting and apertures within said means are considered as the means for attaching.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al.

The examiner notes that it is well known in the art that sleeves are removable. The examiner further notes to provide removable sleeves for purposes of changing worn out or dirty sleeves is obvious in the art.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the strap and weight construction of Hasekian, Buhr and King et al. Note the finger indentations (20) and overlapping strap (18) of Hulsman. Note the finger loops of Kissin et al.

Note the overall device of Sports goods Taiwan Buyers Guide 98, Product #4737DP-4740DP, weight lifting product program 1998 C Dalps & Leisure products Supply Corp.

Art Unit: 3764

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly



primary

---